

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6337

BILL NUMBER: HB 1684

DATE PREPARED: Dec 3, 2000

BILL AMENDED:

SUBJECT: City Courts and Distribution of Court Fees.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

(A) It makes city courts courts of record.

(B) It makes the following changes to the distribution of criminal costs fees, infraction or ordinance violation costs fees, civil costs fees, small claims costs fees, and deferred prosecution fees: (1) It reduces from 20% to 15% the percentage of the collected fees that the clerk of a city or town court distributes each month to the county auditor as the county share. (2) It increases from 25% to 30% the percentage of the collected fees that the city or town fiscal officer retains as the city or town share.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Provision A: The Judicial Report indicates that 47 city courts exist in Indiana as of January 1, 2000. Requiring these courts to include all decisions on record would likely require the cities to invest in additional recording equipment and hire court reporters and clerical staff. The 1999 Judicial report indicates that of the existing 47 city courts, only 16 city courts had secretaries and six city courts had court reporters.

In addition, judges of circuit, superior, county, and municipal courts in Indiana are required by law to be attorneys. Presumably, judges of all city courts would be required to be attorneys, as well, if city courts are courts of record. Under current law, the following city court judges are already required to be attorneys: Anderson city court, Carmel city court, any city court located in Lake County, Muncie city court, and Noblesville city court.

City courts are funded by court fees, civil penalties, and other administration fees.

Explanation of Local Revenues: Provision B: As specified by statute, revenue from city and town courts is distributed in the following manner to state, county, and municipal general funds: 55% is deposited in the state General Fund, 20% is deposited in county general funds, and 25% is deposited in municipal general funds. A shift in 5% of the revenue is an estimated \$650,000. Consequently, a total of \$650,000 would be shifted from the general funds in 38 counties to the general funds of 71 municipalities that have city or town courts.

State Agencies Affected:

Local Agencies Affected: City and town courts in the following counties: Allen, Blackford, Boone, Carroll, Clark, Clinton, Dearborn, Dekalb, Delaware, Elkhart, Fountain, Grant, Hamilton, Hendricks, Henry, Huntington, Jasper, Jay, Johnson, Knox, Lake, Madison, Miami, Morgan, Randolph, Ripley, Saint Joseph, Spencer, Starke, Steuben, Tippecanoe, Tipton, Vermillion, Vigo, Wabash, Wayne, Wells, and White

Information Sources: 1999 Indiana Judicial Report; Indiana Constitution, Article 7, Section 7; IC 33-13-9-1; IC 33-8-1-18; IC 33-10.1-5-7.